

Department of Health and Human Services

§ 74.2

- 74.36 Intangible property.
- 74.37 Property trust relationship.

PROCUREMENT STANDARDS

- 74.40 Purpose of procurement standards.
- 74.41 Recipient responsibilities.
- 74.42 Codes of conduct.
- 74.43 Competition.
- 74.44 Procurement procedures.
- 74.45 Cost and price analysis.
- 74.46 Procurement records.
- 74.47 Contract administration.
- 74.48 Contract provisions.

REPORTS AND RECORDS

- 74.50 Purpose of reports and records.
- 74.51 Monitoring and reporting program performance.
- 74.52 Financial reporting.
- 74.53 Retention and access requirements for records.

TERMINATION AND ENFORCEMENT

- 74.60 Purpose of termination and enforcement.
- 74.61 Termination.
- 74.62 Enforcement.

Subpart D—After-the-Award Requirements

- 74.70 Purpose.
- 74.71 Closeout procedures.
- 74.72 Subsequent adjustments and continuing responsibilities.
- 74.73 Collection of amounts due.

Subpart E—Special Provisions for Awards to Commercial Organizations

- 74.80 Scope of subpart.
- 74.81 Prohibition against profit.
- 74.82 Program income.
- 74.83 Effect on intangible property.

Subpart F—Disputes

- 74.90 Final decisions in disputes.
- 74.91 Alternative dispute resolution.

APPENDIX A TO PART 74—CONTRACT PROVISIONS

APPENDIXES B–D TO PART 74 [RESERVED]

APPENDIXES E TO PART 74—PRINCIPLES FOR DETERMINING COSTS APPLICABLE TO RESEARCH AND DEVELOPMENT UNDER GRANTS AND CONTRACTS WITH HOSPITALS

APPENDIXES F–H TO PART 74 [RESERVED]

AUTHORITY: 5 U.S.C. 301; OMB Circular A-110 (64 FR 54926, October 8, 1999).

Subpart A—General

SOURCE: 59 FR 43760, Aug. 25, 1994, unless otherwise noted.

§ 74.1 Purpose and applicability.

(a) Unless inconsistent with statutory requirements, this part establishes uniform administrative requirements governing:

(1) Department of Health and Human Services' (HHS) grants and agreements awarded to institutions of higher education, hospitals, other nonprofit organizations and only to commercial organizations in instances other than those involving procedures to make data available under the Freedom of Information Act provision set forth in § 74.36(d)(1).

(2) Subgrants or other subawards awarded by recipients of HHS grants and agreements to institutions of higher education, hospitals, other nonprofit organizations and commercial organizations, including subgrants or other subawards awarded under HHS grants and agreements administered by State, local and Indian Tribal governments; and

(3) HHS grants and agreements, and any subawards under such grants and agreements, awarded to carry out the entitlement programs identified at 45 CFR Part 92, § 92.4(a)(3), (a)(7), and (a)(8), except that §§ 74.12, 74.23, 74.25, and 74.52 of this part do not apply. Under these programs, requests to HHS from Governors or other duly constituted State authorities for waiver of single State agency requirements in accordance with 31 U.S.C. 6501–6508 will be given expeditious handling. Whenever possible, such requests will be granted.

(b) Nonprofit organizations that implement HHS programs for the States are also subject to state requirements.

(c) HHS shall not impose additional or inconsistent requirements except as provided in §§ 74.4 and 74.14, or unless specifically required by Federal statute or executive order.

[59 FR 43760, Aug. 25, 1994, as amended at 61 FR 11746, 11747, Mar. 22, 1996; 65 FR 14418, Mar. 16, 2000]

§ 74.2 Definitions.

Accrued expenditures mean the charges incurred by the recipient during a given period requiring the provision of funds for: (1) Goods and other tangible property received; (2) services